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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,476	09/15/2005	Claude Moufflet	15675P565	6533

8791 7590 01/08/2008  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
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EXAMINER
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STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,476	<b>Applicant(s)</b> MOUFFLET, CLAUDE	
	<b>Examiner</b> Amy J. Sterling	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/25/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first Office Action for application number 10/520,476, Device for Fixing an Object on a Vertical Rod, filed on 9/15/05. Claims 1-19 are pending.

### ***Affidavit under 1.132***

The affidavit filed under 37 CFR 1.132 dated 1/18/05 with regards to the translation is acknowledged.

### ***Information Disclosure Statement***

The information disclosure statement submitted on 5/25/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Claim Objections***

Claims 6-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim depends from another multiple dependent claims which is improper. See MPEP § 608.01(n). Accordingly, the claims 6-19 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites a "second fastener" which appears to be the same as the "first fastener" as recited by claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5641141 to Goodwin.

The patent to Goodwin discloses a device for fastening an article to a primary support, the device comprising a rod (120) having a cylindrical body and at least a first (112) fastener arrangement for fastening the article to the body of the rod in releasable manner and in a position that is adjustable along the rod, the device being characterized in that the first fastener arrangement comprises a first assembly part (first half of 112) presenting two branches (114) suitable for placing on either side of the body in such a manner as to hold the first assembly part in place on the body by friction, with it being possible for the part to be slid manually in a longitudinal direction to a selected position along the body, and a second assembly part (second half of 112) suitable for being

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secured to the first assembly part with the branches being clamped against the body in such a manner as to lock the first assembly part in the selected position and a second fastener arrangement (152, See Figure 5 which shows dual assembly part being used) for fastening the rod to the primary support in a vertical orientation, the second fastener arrangement comprising a first assembly (same as above) part having two branches suitable for placing on either side of the body in such a manner as to hold the first assembly part in place on the body by friction, and a second assembly part suitable for being secured to the first assembly part with the branches being clamped onto the body in such a manner as to lock the first assembly part in position, in which the rod has an integrally formed head (136) at its top end that is of section greater than that of the body wherein the first assembly part assembly part of the first arrangement and the first assembly part (4) of the second fastener arrangement are interchangeable.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various assemblies for rods

2002/0096610 to Fernandez

6948689 to Kenney

6283425 to Liljevik

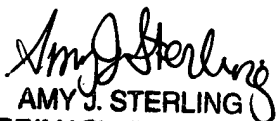
6250596 to Gordin et al.

5867132 to Blasing et al.

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Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

Amy J. Sterling  
12/19/07

  
AMY J. STERLING  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600